UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/659,766	BARTH, RAINER
	Examiner	Art Unit	
	J Bret Dennison	2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 February 2009*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-22* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-22* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

RESPONSE TO AMENDMENT

1.   This Action is in response to the Amendment for Application Number 10/659,766

received on 2/11/2009.

2.   Claims 1-22 are presented for examination.

3.   Claims 21-22 have been newly added.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 1-22 re rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

5.   Claims 1 and 11 recite the limitation, "sensitive event-relevant information". It is

unclear to Examiner what is considered to be "sensitive" event-relevant information.

Applicant's Specification does not provide the detail to describe what "sensitive" event-

relevant information includes, or does not include. Paragraph [0024] recites, "The e-

mail, the SMS or the voice message themselves do not contain any sensitive

information." This sentence appears to be the only sentence in Applicant's Specification

that even mentions the term "sensitive." However, this does not define what is

considered to be sensitive. As such, it is unclear to Examiner as to what is considered

to be sensitive and what is considered not to be sensitive event-relevant information.

Dependent claims 2-10 and 12-22 include the subject matter of their parent claims and

are therefore rejected for the same rationale.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6.   Claims 1-4 and 7-22 are rejected under 35 U.S.C. 102(e) as being anticipated by

Zhou et al. (US 20080186166).

7.   Regarding claim 1, Zhou disclosed an Application Service Provider ("ASP") which

serves as an intermediary between devices and end users, providing users the ability to

monitor sensor data for one or more devices. Zhou disclosed the ASP comprising one

or more servers, including web servers and database servers, for which users have the
ability to access device data, specify alert threshold values and receive notifications
from the ASP (Zhou, [0021]).   Zhou further disclosed that the users may specify what
device the user is to receive the alerts (Zhou, [0079]). As such, the system of Zhou
clearly assigns a specific receiver to each alarm event as specified by the user. Zhou
disclosed users accessing the ASP through a secure website allowing authorized users
to update device configurations, set up alerts, monitor other parameters, as well as view
sensor data (Zhou, [0022], [0111]). As such, Zhou clearly disclosed that only authorized
users can access device information through the secure site. Zhou disclosed that users
who cannot access the ASP website can contact a Call Management Center via a
convention telephone communication network, and that users "may call the CMC for
additional information beyond the basic message generated by the ASP's automatic
notification system (Zhou, [0022], [0102]). As such, it is evident that Zhou disclosed the
notification system only sending a basic message indicating that an alert event
occurred, and the user must either log in to the secure website to find out additional
information or call the CMC, which requires "PIN verification" (Zhou, [0022]).

Therefore, Zhou disclosed a method for securely providing event-relevant
information about an alarm event occurring in a machine from an industrial controller
controlling the machine to a specified remote receiver via a network using an Internet-
related protocol, comprising the steps of:

assigning a specific receiver to each specific alarm event (Zhou, [0079]);

writing the event-relevant information provided by the controller to a database,

said event-relevant information including sensitive event-relevant information (Zhou,

[0065]-[0068], ASP database stores all device information including historical and status

information)

transmitting to the specified receiver in response to the alarm event a receiver-

specific message indicating that the alarm event has occurred and not containing said

sensitive event-relevant information (Zhou, [0022], [0102], Zhou disclosed a "basic

message" being sent by the notification system; see also [0089]); and

accessing the event-relevant information written to the database for the specified

receiver via a Web server using a cryptographically protected communication protocol

based on an Internet browser in response to the receiver-specific message (Zhou,

[0022]-[0023], Zhou disclosed the use accessing a secure website using SSL).

8.   Regarding claim 2, Zhou disclosed the limitations as described in claim 1,

including wherein the cryptographically protected communication protocol based on the

Internet browser comprises a "Hypertext Transfer Protocol Security" protocol (Zhou,

[0023], Zhou disclosed using Secure Socket Layer).

9.   Regarding claim 3, Zhou disclosed the limitations as described in claim 2,

including wherein the "Hypertext Transfer Protocol Security" protocol comprises a

"Secure Socket Layer" protocol or a "Transport Layer Security" protocol (Zhou, [0023]).

10.   Regarding claim 4, Zhou disclosed the limitations as described in claim 1,

including wherein the receiver-specific message is transmitted to the specified receiver

as an e-mail message, an SMS message or as a voice message (Zhou, [0021]).

11.   Regarding claim 7, Zhou disclosed the limitations as described in claim 1,

including wherein access to the Web server is protected by a login prompt and a

password (Zhou, [0070]).

12.   Regarding claim 8, Zhou disclosed the limitations as described in claim 1,

including wherein the Web server is integrated with hardware of the controller (Zhou,

[0021]).

13.   Regarding claim 9, Zhou disclosed the limitations as described in claim 1,

including wherein at least one of the database and the Web server are implemented as

hardware that is separate from hardware of the controller (Zhou, [0021], Zhou disclosed

the ASP may be implemented with numerous servers).

14.   Regarding claim 10, Zhou disclosed the limitations as described in claim 1,

including the step of transmitting at least one of data, parameters and programs from

the specified receiver to the controller (Zhou, [0111]).

15.   Regarding claim 11, Zhou disclosed an Application Service Provider ("ASP")

which serves as an intermediary between devices and end users, providing users the

ability to monitor sensor data for one or more devices. Zhou disclosed the ASP

comprising one or more servers, including web servers and database servers, for which

users have the ability to access device data, specify alert threshold values and receive

notifications from the ASP (Zhou, [0021]). Zhou further disclosed that the users may

specify what device the user is to receive the alerts (Zhou, [0079]). As such, the system

of Zhou clearly assigns a specific receiver to each alarm event as specified by the user.

Zhou disclosed users accessing the ASP through a secure website allowing authorized

users to update device configurations, set up alerts, monitor other parameters, as well

as view sensor data (Zhou, [0022], [0111]). As such, Zhou clearly disclosed that only

authorized users can access device information through the secure site. Zhou

disclosed that users who cannot access the ASP website can contact a Call

Management Center via a convention telephone communication network, and that users

"may call the CMC for additional information beyond the basic message generated by

the ASP's automatic notification system (Zhou, [0022], [0102]). As such, it is evident

that Zhou disclosed the notification system only sending a basic message indicating that

an alert event occurred, and the user must either log in to the secure website to find out

additional information or call the CMC, which requires "PIN verification" (Zhou, [0022]).

       Therefore, Zhou disclosed a method for securely providing event-relevant

information about an alarm event occurring in a machine from an industrial controller

controlling the machine to a specified remote receiver via a network using an Internet-

related protocol, comprising the steps of:

assigning a specific receiver to each specific alarm event (Zhou, [0079]);

writing the event-relevant information provided by the controller to a database,

said event-relevant information including sensitive event-relevant information (Zhou,

[0065]-[0068], ASP database stores all device information including historical and status

information)

transmitting to the specified receiver a receiver-specific message indicating that

the a specified alarm event has occurred and not containing said sensitive event-

relevant information (Zhou, [0022], [0102], Zhou disclosed a "basic message" being sent

by the notification system; see [0089]); and

accessing the event-relevant information written to the database for the specified

receiver via a modem using a modem connection protected by an authentication

protocol, in response to the receiver-specific message ([0022], Zhou disclosed users

able to access the information via the Call Management Center, an automated

telephone system hotline available to obtain data after PIN verification).

16.   Regarding claim 12, Zhou disclosed the limitations as described in claim 1,

including wherein the event-relevant information written to the data base includes at

least one of event messages, fault messages, information about machine status and

process information, or a combination thereof (Zhou, [0068]).

17.   Regarding claim 13, Zhou disclosed the limitations as described in claim 1,

including the step of performing at least one of failure analysis and fault repair of the

machine using event-relevant information accessed using the same cryptographically

protected communication protocol (Zhou, [0023], [0111]).

18.   Regarding claim 14, Zhou disclosed the limitations as described in claim 1,

including wherein only a receiver-specific message indicating that a specified alarm

event has occurred is transmitted to the specified receiver (Zhou, [0022], "basic

message").

19.   Regarding claim 15, Zhou disclosed the limitations as described in claim 11,

including wherein the event-relevant information written to the data base includes at

least one of event messages, fault messages, information about machine status and

process information, or a combination thereof (Zhou, [0068]).

20.   Regarding claim 16, Zhou disclosed the limitations as described in claim 11,

including the step of performing at least one of failure analysis and fault repair of the

machine using event-relevant information accessed using the same authentication

protected communication protocol (Zhou, [0111]).

21.   Regarding claim 17, Zhou disclosed the limitations as described in claim 11,

including wherein only a receiver-specific message indicating that a specified alarm

event has occurred is transmitted to the specified receiver (Zhou, [0022], "basic

message").

22.   Regarding claim 18, Zhou disclosed the limitations as described in claim 11,

including the step of transmitting at least one of data, parameters and programs from

the specified receiver to the controller (Zhou, [0111]).

23.   Regarding claim 19, Zhou disclosed the limitations as described in claim 11,

including wherein the event-relevant information that is written to the database includes

at least one of event messages, fault messages, information about machine status and

process information, or a combination thereof (Zhou, [0068])..

24.   Regarding claim 20, Zhou disclosed the limitations as described in claim 11,

including wherein only a receiver-specific message indicating that a specified alarm

event has occurred is transmitted to the specified receiver (Zhou, [0111]).

25.   Regarding claims 21 and 22, Zhou disclosed the limitations as described in

claims 1 and 11, including wherein the event-relevant information is written to a receiver

specific database element of the database (Zhou, [0063]-[0079]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

26.   Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou (US

20080186166) in view of Qi et al. (US 6892064).

27.   Regarding claim 5, Zhou disclosed the limitations as described in claim 4. Zhou

did not explicitly state wherein the e-mail message includes a cross-reference, in

particular a URL address, that provides a link to the event-relevant information that is

stored in the database for the specified receiver.

Qi disclosed including a URL linked address within an email in order to provide

the user with easier access to the service provider (Qi, col. 17, lines 45-55). Qi provides

evidence that the use of URL linked addresses within emails were well known at the

time the invention was made. Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to incorporate using URL linked

addresses within the email notifications of Zhou in order to obtain the predictable result

of making it easier for users to access their device information upon indication of an

alert, thereby making it easier and faster for the users to correct any problems there

may be with their devices, and as such, making the system more desirable to use by its

customers.

28.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zhou (US

20080186166) in view of Subramaniam et al (US 20070208697).

29.   Regarding claim 6, Zhou disclosed the limitations as described in claim 4. Zhou

did not explicitly state wherein the event-relevant information written to the database for

the specified receiver includes file attachments which are stored in the database for the

specified receiver.

Subramaniam disclosed that information may be saved as file attachments and

stored in the database so that they can be downloaded by users (Subramaniam,

[0318]).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate saving the alert information as file attachments within

the database of Zhou in order to allow users, when accessing their device information

through the database, to download such information as a file to store for archiving and

keep for reviewing historical data (Zhou, [0068]), thereby allowing users to maintain

information about their devices

Response to Arguments

Applicant's arguments filed 2/11/2009 have been fully considered but they are not persuasive.

Arguments regarding the 35 USC 112 2ⁿᵈ Rejection

Applicant has failed to show that Applicant's specification provides a definition of "sensitive event-relevant information". Applicant attempts to equate "confidential business data or "confidential technical data" as well-known types of sensitive information, but nowhere in Applicant's specification contains evidence of this definition. It appears that Applicant attempts to point to paragraph [0007] of Applicant's specification to show support, but the paragraph does not mention anything at all regarding "confidential business data or "confidential technical data" or even "sensitive" data. There is simply no support to differentiate between what is sensitive and what is not sensitive.

Arguments regarding the 35 USC 102 Rejection

Applicant argues, "Zhou neither discloses nor suggests applicant's receiver-specific messages 'not containing said sensitive event-relevant information'" [Response, page 10].

Examiner respectfully disagrees.

In addition to the discussion above regarding "sensitive" event-relevant information, Examiner points out that the Zhou reference clearly states that the system provides a "basic message" [0022] to alert the user. Zhou also clearly disclosed that

"end users 25 access device data, specify alert thresholds, and access account information through a user device...the user interface device is a computer coupled to the Internet for accessing a secure website provided by ASP" [0022].

Examiner notes that nowhere in Zhou indicates that the "basic message" includes sensitive event relevant information. Therefore, this basic message meets the requirement of the claim. Also it is evident that if the end user must access a "secure" website to access device data, that such device data is not included in the "basic message."

For even further evidence that the "basic message" does not include sensitive information, Zhou clearly disclosed that "the present embodiment requires the user response before providing the alert details" (See Zhou, [0089]). Therefore, the actual details are not provided with the message in this embodiment. This clearly indicates that the message does not include sensitive event relevant information.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/J Bret Dennison/
Primary Examiner, Art Unit 2443